

REMARKS/ARGUMENTS

Examiner had identified 4 species of the claimed invention:

Species I, shown in Figure 1;

Species II, shown in Figure 2;

Species III, shown in Figure 3; and

Species IV, shown in Figure 4.

Applicant provisionally elects Species I, shown in Figure 1 with traverse. The only difference between Species III and I is the addition of an opening means **15** such as a score line between the two ends of the hollow elongated tubular handle. Species IV is simply Species III with the applicator tip affixed to the opposite end of the hollow elongated tubular handle. Species II is the resulting structure of affixing two of the Species I structures end to end, with the sealed ends toward each other with an opening means **9** provided to separate them. Therefore, the restriction/election requirement is improper.

Applicant respectfully requests that the restriction requirement be reconsidered and withdrawn and a timely Notice of Allowance be issued in this case.

Respectfully submitted,




Joe Nieh
Registration Number: 46,961
18760 E. Amar Road, #204
Walnut, CA 91789
Tel: (626) 964-4227
Fax: (626) 854-5717
E-Mail: nieh@justice.com

Application No.: 10/657,682
Amendment dated: July 20, 2005
Reply to Office Action of: June 23, 2005

Certificate of Mailing: I certify that on the date below this document and referenced attachments, if any, will be deposited with the U.S. Postal Service by 1st Class Mail in an envelope addressed to: "Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450."

July 20, 2005



Joe Nieh
Registration Number: 46,961
18760 E. Amar Road, #204
Walnut, CA 91789
Tel: (626) 964-4227
Fax: (626) 854-5717
E-Mail: nieh@justice.com